

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

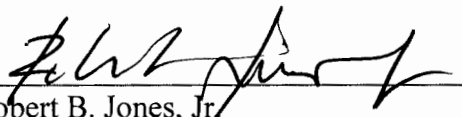
NO: 7:14-CR-41-FL-2

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
DON SMITH,)	
)	
Defendant.)	

This matter is before the court with regard to Defendant's liberty status pending sentencing. At Defendant's arraignment, following his plea of guilty, pursuant to a plea agreement, to an offense arising under 18 U.S.C. §§ 841(a)(1) and 846, the parties addressed the issue of detention pursuant to the provisions of 18 U.S.C. § 3143(a). After hearing argument from counsel and after consideration of Defendant's release status report, the court finds that: (1) exceptions to mandatory detention under 18 U.S.C. § 3143(a)(2)(A)(i) & (ii) do not apply, and (2) Defendant has failed to show by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community. 18 U.S.C. § 3143(a)(2)(B). Finally, Defendant has otherwise failed to clearly show that there are exceptional reasons his detention is not appropriate under 18 U.S.C. § 3145(c).

Accordingly, Defendant is COMMITTED to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the government, Defendant shall be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

So ordered, the 17th day of September 2014.


Robert B. Jones, Jr.
United States Magistrate Judge